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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 MUHAMMED ZBEIDA TILLISY,
13 Defendant.

Case No. CR13-310-RSL

ORDER DENYING
EMERGENCY MOTION TO
TRANSFER CUSTODY

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15 This matter comes before the Court on defendant's "Emergency Motion to Transfer
16 Custody." (Dkt. # 244.) Having reviewed the motion, the supporting materials, and the balance
17 of the record, the Court DENIES the motion.


18 Defendant remains in state custody and asks the Court to "lift the federal detainer
19 currently in place upon him" so that he can petition the State of Washington for "extraordinary
20 medical placement and/or home confinement." Dkt. # 244 at 1-2. Defendant asks the Court to
21 either: (a) make the "detainer" effective upon his release from state custody; (b) order a
22 surrender date at the end of his state custody; or (c) enter an appearance date at the end of his
23 state custody. *Id.* at 2. Defendant's reference to a "federal detainer" most likely arises out of
24 the Washington Department of Correction's use of the term in denying his application for
25 extraordinary medical placement. *See* Dkt. # 245 at 8 (denying the request on account "of [his]
26 federal detainer"). But there is currently no pre-trial detainer pending against defendant—only a
27 judgment of imprisonment for eighty-four months to run "consecutively with the sentences
28 imposed by the Snohomish County Superior Court in Case Number 12-01574 and 13-310, and
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1 consecutively to the sentence imposed on September 17, 2013 in W.D. Wash. Case No. 09-269.”
2 Dkt. # 194 at 3. The Court therefore construes the motion as also seeking a suspension of this
3 Court’s judgment pending against him until he completes his term of imprisonment in state
4 custody. This not the first time that defendant has made this request—the Court recently denied
5 defendant’s request to suspend the judgment pending against him. See Dkt. # 239 (Order
6 Denying Motion to Suspend Execution of Judgment and Motion to Appoint Counsel). In that
7 Order, the Court reasoned that defendant failed to demonstrate how he might qualify for
8 extraordinary medical placement even if the Court were to invoke its inherent authority to
9 suspend the judgment. Id.

10 Defendant’s new motion offers no basis for the Court to revisit its earlier decision.
11 Defendant invokes the Eighth Amendment and 18 U.S.C. §§ 3141 and 3142 as grounds for the
12 relief he seeks. But defendant offers no analysis or argument as to why the Eighth Amendment
13 compels granting the relief sought. Similarly, neither statute he cites appears applicable because
14 he is not in pre-trial detention. The Court continues to see no basis to suspend the judgment
15 given that defendant has not provided any evidence or argument as to how he could qualify for
16 extraordinary medical placement under the State’s policy. See Dkt. # 238 at 21 (Extraordinary
17 Medical Placement Policy, DOC Num. 350.270(C)). This same analysis applies even if the
18 Court were to construe the judgment as a “detainer.” Defendant’s failure to provide any
19 indication as to how he can qualify for extraordinary medical placement undermines the basis of
20 the requested relief.

21 For all of the foregoing reasons, defendant’s Emergency Motion to Transfer Custody
22 (Dkt. # 244) is DENIED. The Clerk is directed to provide copies of this Order to defendant and
23 all counsel.

24 DATED this 1st day of March, 2022.

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26 
27 Robert S. Lasnik
28 United States District Judge